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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 654/93

New Delhi this the 21st day of February, 1994

THE HON'BLE MR. S. R. ADIGE, MEMBER (A)

Fateh Singh,
Ex-Postal Assistant,
816-A, Mahawar Nagar,
Kotla Mubarakpur,
New Delhi.

... Applicant

By Advocate Shri R. N. Saxena

Versus

1. The Secretary-cu-Director
General (Posts), Department
of Posts, Dak & Tar Bhawan,
Parliament Street,
New Delhi-1.
2. The Chief Postmaster General,
Delhi Circle, Department of
Posts (Delhi Zone),
New Delhi.
3. The Director of Accounts (Postal),
Old Secretariat,
Delhi - 110054.

... Respondents

By Advocate Shri Jog Singh

O R D E R

In this application, Shri Fateh Singh, ex Postal Assistant, has impugned the order dated 23.12.1992 (Annexure-I) rejecting his prayer for grant of lump-sum payment of pro-rata retirement benefits for the services rendered by him in the Department of Posts.

2. The applicant joined the Department of Posts in July, 1975 as a temporary Postman, and was appointed as a Postal Assistant w.e.f. 8.9.1979. While working as Postal Assistant, he applied for the post of UDC in the National Institute of Public Cooperation and Child Development (for short NIPCCD), New Delhi, and his
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application was forwarded through proper channel to the said Institute. On his selection as UDC in that Institute, the applicant tendered his resignation which was accepted on 24.9.1986 and he joined the Institute as UDC on 25.9.1986. He was absorbed in that Institute on permanent basis w.e.f. 1.1.1989.

3. NIPCCD is an autonomous body registered under the Societies Act, 1860. Consequent upon his absorption in the NIPCCD w.e.f. 1.1.1989, the applicant applied to the Department of Posts for grant of pro-rata benefits in respect of service rendered from 5.7.1975 to 24.9.1986 in that Department, in terms of Rules 37 and 37-A of the C.C.S. (Pension) Rules, 1972, read with Ministry of Personnel, Public Grievances and Pensions O.M. dated 31.3.1987 (Annexure-III). The said application is dated 23.3.1989 (Annexure-IV). Thereafter, he appears to have followed it up with representations, and ultimately he received the impugned order dated 23.12.1992 stating that his request could not be acceded to because the NIPCCD has the pension scheme on the pattern of the Central Government and the applicant's services would be counted by that Institute for purposes of pension to be granted by them as per orders contained in O.M. No. 28/10/84-PU dated 29.8.1984.

4. Sub-para (ii) of Ministry of Personnel, Public Grievances and Pensions O.M. dated 31.3.1987 (Annexure-III) makes it clear that those absorbed in autonomous bodies having pension scheme shall have option to receive pro-rata retirement benefits or continue to

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have the benefit of combined service under the Government and in the autonomous body subject to the conditions laid down in Department of Personnel and Administrative Reforms' O.M. dated 29.8.1984 and 12.9.1985. Such option has to be exercised within six months from the date of permanent absorption. In case no option is exercised within the stipulated period, the employee will be eligible for pension based on combined service.

5. In the present case, the applicant was permanently absorbed in NIPCCD w.e.f. 1.1.1989, and submitted his option for receiving pro-rata retirement benefits on 23.2.1989, that is, well within six months' period. The counter affidavit filed by the respondents states that the NIPCCD has a pension scheme on the pattern of the Central Government, and as per advice of the Department of Pension and Pensioners' Welfare, the applicant is not eligible to receive any pro-rata pensionary benefits directly from the Central Government, but the service rendered by him under the Central Government would be counted by the NIPCCD for purposes of pension to be granted by them. Why the applicant is not eligible to receive pro-rata pensionary benefits in the light of the contents of O.M. dated 31.3.1987 has not been made clear in the counter affidavit, and Shri Jog Singh, learned counsel for the respondents, is unable to furnish any reasons why these benefits have been denied to the applicant.

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6. Under the circumstances, this application is entitled to succeed and it is disposed of with the following directions :-

- (i) The impugned order dated 23.12.1992 (Annexure-I) is quashed and set aside.
- (ii) The respondents are directed to grant pro-rata retirement benefits to the applicant in respect of the past services rendered by him in the Department of Posts from 7.7.1975 to 24.9.1986, after adjusting sums, if any, that have already been paid to the applicant towards the same. These payments should be made to the applicant within three months from the date of receipt of a copy of this order and should be supported by a comprehensive statement of calculations.
- (iii) A copy of the order sanctioning payments should be sent by the respondents to the National Institute of Public Cooperation and Child Development (NIPCCD) to enable them to place the same on the applicant's service rolls maintained by them, to be taken into account while calculating the retirement benefits admissible to the applicant, for the duration of his service in the NIPCCD.
- (iv) A copy of this order ^{should} be sent directly to the NIPCCD also.

7. The delay in filing this original application is condoned. This disposes of M.P. No. 803/93 filed by the applicant for condonation of delay.

8. O.A. 654/93 accordingly stands disposed of.
No costs.

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(S. R. Adige)
Member (A)

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